

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 00-cr-90036

Hon. Matthew F. Leitman

v.

D9, TOI HORN,

Defendant.

/

**ORDER DENYING DEFENDANT'S
MOTION TO RE-OPEN CASE (ECF No. 747)**

This motion arises out of a criminal case that was closed more than fourteen years ago. On May 16, 2005, Defendant Toi Horn pleaded guilty to one count of aiding and abetting wire fraud in violation of 18 U.S.C. §§ 2, 1343 pursuant to a Rule 11 Plea Agreement. (*See* Superseding Information, ECF No. 432; Plea Agmt., ECF No. 422.) Prior to sentencing, the Judge then presiding over Horn's case ordered Horn to undergo a psychiatric evaluation. (*See* Order, ECF No. 495.) It appears that Horn underwent that evaluation, and the Court ultimately determined that Horn was competent to proceed to sentencing. (*See* 3/23/2006 Hr'g Tr., ECF No. 558, PageID.2960-2961.) On March 24, 2006, the Court sentenced Horn to six months imprisonment with credit for time served. (*See* Judgment, ECF No. 553.) Horn was released from custody on April 4, 2006. (*See* ECF No. 560.)

On November 9, 2020, more than fourteen years after Horn completed her sentence, Horn filed a Notice of Appeal in this action. (*See* Notice, ECF No. 736.) She also filed a motion to proceed *in forma pauperis* on appeal. (*See* Mot., ECF No. 738.) The Court denied that motion because it concluded that Horn lacked a good faith basis to appeal. (*See* Order, ECF No. 739.) The United States Court of Appeals for the Sixth Circuit dismissed Horn's appeal as untimely on January 6, 2021. (*See* Order, ECF No. 743.)

Horn has now filed a motion to re-open this case. (*See* Mot., ECF No. 747.) Horn's motion is difficult to follow. It appears that Horn wants the case to be re-opened so that the director of the facility where Horn underwent her psychological evaluation more than fourteen years ago can complete a certificate arising out of that evaluation. (*See id.*) Horn has not explained the relevance of the certificate, why she needs the certificate, or what authority the Court has to order anyone complete the certificate. Horn has failed to show an entitled to any relief. The motion is therefore **DENIED.**

IT IS SO ORDERED.

Dated: May 6, 2021

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 6, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager
(810) 341-9764